

Juanita R. Brooks (CA SBN 75934) / brooks@fr.com  
Roger A. Denning (CA SBN 228998) / denning@fr.com  
Frank J. Albert (CA SBN 247741) / albert@fr.com  
K. Nicole Williams (CA SBN 291900) / nwilliams@fr.com  
Jared A. Smith (CA SBN 306576) / jasmith@fr.com  
FISH & RICHARDSON P.C.  
12860 El Camino Real, Ste. 400  
San Diego, CA 92130  
Telephone: (858) 678-5070 / Fax: (858) 678-5099

Susan E. Morrison (*Pro Hac Vice*) / morrison@fr.com  
FISH & RICHARDSON P.C.  
222 Delaware Avenue, 17th Floor  
P.O. Box 1114  
Wilmington, DE 19801  
Telephone: (302) 652-5070 / Fax: (302) 652-0607  
Additional counsel listed on signature page

***Attorneys for Plaintiff,***  
**FINJAN LLC**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
(SAN FRANCISCO DIVISION)

FINJAN LLC,

Plaintiff,

v.

PALO ALTO NETWORKS, INC.,

Defendant.

Case No. 4:14-cv-04908-JD

**FINJAN LLC'S ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL  
EXHIBITS Q AND U TO FINJAN LLC'S  
OPPOSITION TO PALO ALTO  
NETWORKS, INC.'S MOTION FOR  
LEAVE TO AMEND ITS INVALIDITY  
CONTENTIONS**

Hon. James Donato  
Ctrm: 11, 19<sup>th</sup> Floor

## I. INTRODUCTION

Plaintiff Finjan LLC (“Finjan”), having reviewed and complied with Civil Local Rule 79-5, hereby moves the Court for permission to file under seal the following documents:

Document	Portion(s) to Seal	Reason(s) for Sealing
<b>Exhibit Q</b> to the Declaration of Phillip W. Goter in Support of Finjan LLC’s Opposition to Palo Alto Network, Inc.’s Motion for Leave to Amend Its Invalidity Contentions - Palo Alto Networks, Inc.’s Supplemental Invalidity Contentions Charts, Exhibit G-10.	Entire document (pp. 1-330).	Content on each page of this document reflects information PAN has designated “Highly Confidential – Attorneys’ Eyes Only,” “Check Point Highly Confidential – Attorney’s Eyes Only,” and “Highly Confidential – Source Code Information” under the Protective Order, and from which third-party confidential information, including source code, could be potentially discerned.
<b>Exhibit U</b> to the Declaration of Phillip W. Goter in Support of Finjan LLC’s Opposition to Palo Alto Network, Inc.’s Motion for Leave to Amend Its Invalidity Contentions - Palo Alto Networks, Inc.’s Supplemental Invalidity Contentions Charts, Exhibit F-10.	Entire document (pp. 1-874).	Content on each page of this document reflects information PAN has designated “Third Party Highly Confidential – Attorneys’ Eyes Only” and “Highly Confidential – Source Code Information” under the Protective Order, and from which third-party confidential information, including source code, could be potentially discerned.

Filed concurrently herewith and pursuant to Civ. L.R. 79-5(c) are the confidential versions of Exhibits Q and U to the Declaration of Phillip W. Goter in Support of Finjan LLC’s Opposition to Palo Alto Inc.’s Motion for Leave to Amend Its Invalidity Contentions.

## II. ARGUMENT

### A. Legal Standard

Under Fed. Rule Civ. P. 26(c)(1)(G), the Court may, in its discretion and for good cause, issue an order “requiring that a trade secret or other confidential research, development, or commercial information not be revealed or be revealed only in a specified way.” Similarly, in this Circuit, the Court may seal documents and information in the case of a dispositive motion if there

are “compelling reasons” to do so, and where “good cause” exists in the case of non-dispositive motions. *Ctr. For Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1095-1100 (9th Cir. 2016). A motion is considered “non-dispositive” when the motion is no more than “tangentially related” to the underlying cause of action. *Id.* at 1099. The “good cause” standard requires a “particularized showing” that “specific prejudice or harm will result” if the information is disclosed. *Phillips ex rel. Estates of Byrd v. Gen Motors Corp.*, 307 F.3d 1206, 1210-11 (9th Cir. 2002) (internal quotation marks omitted). “Broad allegations of harm, unsubstantiated by specific examples of articulated reasoning” will not suffice. *Beckman Indus., Inc. v. Int’l Ins. Co.*, 966 F.2d 476 (9th Cir. 1992). A request to seal material “must be narrowly tailored to seek sealing only of sealable material.” L.R. 79-5(b).

**B. Finjan’s Administrative Motion to Seal Is Supported by Good Cause and is Narrowly Tailored**

Good cause exists to file the documents in question under seal, as described in the Declaration of Jared A. Smith In Support of Finjan LLC’s Administrative Motion to File under Seal Exhibits Q and U to the Declaration of Phillip W. Goter in Support of Finjan LLC’s Opposition to Palo Alto Inc.’s Motion for Leave to Amend Its Invalidity Contentions (“Smith Decl.”) accompanying this motion to seal.

Finjan’s request is narrowly tailored to seal only information that has been designated as confidential pursuant to the protective order entered in this case. For the foregoing reasons, Finjan respectfully requests that the Court grant its request that the documents described above remain under seal.

1 Dated: January 13, 2022

/s/ Jared A. Smith

2 Juanita R. Brooks (CA SBN 75934)  
3 brooks@fr.com  
4 Roger A. Denning (CA SBN 228998)  
5 denning@fr.com  
6 Frank J. Albert (CA SBN 247741)  
7 albert@fr.com  
8 K. Nicole Williams (CA SBN 291900)  
9 nwilliams@fr.com  
10 Jared A. Smith (CA SBN 306576)  
11 jasmith@fr.com  
12 FISH & RICHARDSON P.C.  
13 12860 El Camino Real, Ste. 400  
14 San Diego, CA 92130  
15 Phone: (858) 678-5070 / Fax: (858) 678-5099

16 Aamir Kazi (*Pro Hac Vice*)  
17 kazi@fr.com  
18 Lawrence Jarvis (*Pro Hac Vice*)  
19 jarvis@fr.com  
20 FISH & RICHARDSON P.C.  
21 1180 Peachtree St. NE, 21st floor  
22 Atlanta, GA 30309  
23 Phone: (404) 892-5005 / Fax: (404) 892-5002

24 Phillip W. Goter (*Pro Hac Vice*)  
25 goter@fr.com  
26 FISH & RICHARDSON P.C.  
27 3200 RBC Plaza, 60 South Sixth Street  
28 Minneapolis, MN 55402  
Phone: (612) 335-5070 / Fax: (612) 288-9696

Susan E. Morrison (*Pro Hac Vice*)  
morrison@fr.com  
FISH & RICHARDSON P.C.  
222 Delaware Ave., 17th Floor, P.O. Box 1114  
Wilmington, DE 19801  
Phone: (302) 652-5070 / Fax: (302) 652-0607

Tracea Rice (*Pro Hac Vice*)  
trice@fr.com  
FISH & RICHARDSON P.C.  
1000 Maine Ave. Ste. 1000  
Washington, DC 20024  
Phone: (202) 783-5070 / Fax: (202) 783-2331

Attorneys for Plaintiff FINJAN LLC